

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 SKYLER JAMES FOWLER,
7 Plaintiff,

8 v.

9 STEVE SISOLAK, ET AL.,
10 Defendants.

Case No. 2:19-cv-01418-APG-DJA

ORDER

11 This matter is before the Court on the following motions:

- 12 • Plaintiff's Motion to Produce Medical Records (ECF No. 102) filed on February
13 16, 2021, Plaintiff's Declaration (ECF No. 103) filed on February 16, 2021,
14 Plaintiff's Request for Submission – Motion to Take Judicial Notice of ECF No.
15 102 (ECF No. 104) filed on February 22, 2021, Defendants' Response (ECF No.
16 114) filed on March 2, 2021, and Plaintiff's Reply (ECF No. 117) filed on March
17 11, 2021;
 - 18 • Plaintiff's Motion to Take Judicial Notice in Support of ECF No. 102 (ECF No.
19 112) filed on March 1, 2021;
 - 20 • Plaintiff's Motion to Correct the Docket re ECF No. 104 (ECF No. 113) filed on
21 March 2, 2021;
 - 22 • Plaintiff's Motion to Strike Redundant Filing ECF No. 112 (ECF No. 115) filed on
23 March 4, 2021;
 - 24 • Plaintiff's Motion for Docket Sheet Printout (ECF No. 116) filed on March 8,
25 2021;
 - 26 • Plaintiff's Motion to Extend Time re ECF No. 117 (ECF No. 118) filed on March
27 17, 2021;
- 28

- 1 • Plaintiff's Motion for Sanctions (ECF No. 119) filed on March 17, 2021,
- 2 Defendants' Response (ECF No. 128) filed on March 31, 2021;
- 3 • Plaintiff's Motion to Correct the Docket (ECF No. 120) filed on March 17, 2021;
- 4 • Plaintiff's Motion for Leave to File Supplement to Reply ECF No. 117 (ECF No.
- 5 123) filed on March 19, 2021;
- 6 • Plaintiff's Motion to File Supplement to Motion ECF No. 102 (ECF No. 124) filed
- 7 on March 25, 2021.

8 The Court finds these matters properly resolved without a hearing. LR 78-1.

9 **I. BACKGROUND**

10 This action was initiated on August 15, 2019 when pro se prisoner plaintiff Fowler
11 submitted a complaint. (ECF No. 1). He was subsequently permitted to proceed *in forma*
12 *pauperis* and is currently proceeding forward with the Third Amended Complaint. (ECF Nos. 74
13 and 94). Notably, Plaintiff has unnecessarily clogged the Court's docket with duplicative filings.
14 The Court does not have unlimited resources and Plaintiff's flurry of filings requesting
15 unwarranted supplements and judicial notice are wasting valuable resources.

16 **II. DISCUSSION**

17 First, Plaintiff requests a copy of his medical records via Court order from NDOC. This
18 request was filed prematurely and is not supported by proper points and authorities. Discovery
19 just commenced when the Court issued a scheduling order on April 9, 2021. (ECF No. 132). As
20 such, Plaintiff shall utilize the appropriate discovery devices and comply with the Federal Rules
21 of Civil Procedure to obtain any discovery documents he requests. The Court will deny his
22 request without prejudice at this time.

23 Next, Plaintiff filed several duplicate requests regarding the Court taking judicial notice
24 and seeks to strike one of them. He request that the Court take notice of what Plaintiff claims are
25 similar cases in which pro se inmates were given access to their medical records. The Court
26 previously explained that discovery has now opened and the proper way to get discovery
27 documents is via the methods outlined in the Federal Rules of Civil Procedure. However,
28 Plaintiff then explains that ECF No. 112 is actually the second such request he submitted with the

1 first being at ECF No. 104. So, he requests that ECF No. 112 be stricken. The Court will grant
2 his request to strike ECF No. 112 as redundant.

3 Plaintiff also requests to modify the filing name of the document filed at ECF No. 104.
4 The Court finds this non-substantive change is neither necessary nor required. It considered the
5 substance of the request for relief in the document filed at ECF No. 104 so the exact title is not
6 significant enough to correct the docket. Similarly, Plaintiff seeks to change the title of ECF No.
7 117, but the Court finds it is not necessary to modify the title. It will deny these requests.

8 Plaintiff also requests a copy of the complete docket sheet given the voluminous record in
9 this case to organize his paper file. He indicates he is willing to pay for the cost. The Court will
10 grant his request and send him a copy of the docket sheet.

11 Plaintiff also requests that the Court permit him extra time to file his Reply (ECF No.
12 117). This is a reasonable request as the delay is a mere two days and does not prejudice any
13 other party. The Court will consider his Reply to be timely filed. Plaintiff also seeks to
14 supplement his Reply brief, which the Court will permit to consider his request fully on the
15 merits.

16 Plaintiff files a request for sanctions against the State of Nevada based on the Court's
17 inherent authority because he claims that he was not permitted to see ex parte and sealed
18 documents filed by Defendants. The Court finds that Plaintiff has not articulated any basis for
19 sanctioning Defendants. Further, Judge Gordon already ruled on Plaintiff's request to strike those
20 exhibits related to the preliminary injunction and the Court finds no reason to re-visit his ruling
21 via this new request.

22 **III. CONCLUSION**

23 IT IS THEREFORE ORDERED that Plaintiff's Motion to Produce Medical Records
24 (ECF No. 102) is **denied without prejudice**.

25 IT IS FURTHER ORDERED that Plaintiff's Motion to Take Judicial Notice in Support of
26 ECF No. 102 (ECF No. 112) is **to be stricken by the Clerk of the Court**.

27 IT IS FURTHER ORDERED that Plaintiff's Motion to Correct the Docket re ECF No.
28 104 (ECF No. 113) is **denied**.

1 IT IS FURTHER ORDERED that Plaintiff's Motion to Strike Redundant Filing ECF No.
2 112 (ECF No. 115) is **granted and ECF No. 112 shall be stricken**.

3 IT IS FURTHER ORDERED that Plaintiff's Motion for Docket Sheet Printout (ECF No.
4 116) is **granted**. The Clerk of the Court shall send Plaintiff a copy of the docket.

5 IT IS FURTHER ORDERED that Plaintiff's Motion to Extend Time re ECF No. 117
6 (ECF No. 118) is **granted**.


7 IT IS FURTHER ORDERED that Plaintiff's Motion for Sanctions (ECF No. 119) is
8 **denied**.

9 IT IS FURTHER ORDERED that Plaintiff's Motion to Correct the Docket (ECF No. 120)
10 is **denied**.

11 IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File Supplement to
12 Reply ECF No. 117 (ECF No. 123) is **granted**.

13 IT IS FURTHER ORDERED that Plaintiff's Motion to File Supplement to Motion ECF
14 No. 102 (ECF No. 124) is **granted**.

15
16 DATED: April 21, 2021

17 
18 _____
19 DANIEL J. ALBREGTS
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28